

Message Text

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E.O. 11652: GDS

TAGS: PFOR, WB, US, UK, FR, GW, UR

SUBJECT: RESPONDING TO SOVIET PROTESTS ON BERLIN

REFS: A) BONN 11870; B) STATE 161605

BEGIN SUMMARY: BONN GROUP DISCUSSION REFLECTED GENERAL AGREEMENT WITH US VIEWS ON DESIRABILITY OF EXPEDITING RESPONSES TO SOVIET PROTESTS ON BERLIN MATTERS, OF SHORTENING SUCH RESPONSES WHENEVER POSSIBLE, AND OF AVOIDING SUGGESTIONS OF DIVISION IN WESTERN RANKS. THERE WAS RELUCTANCE, HOWEVER, TO ACCEPT AS A GENERAL PREMISE THAT RESPONDING TO SOVIET PROTESTS IN DETAIL IS NO LONGER NECESSARY OR DESIRABLE, WITH THE OTHER REPS FORESEEING CERTAIN DANGERS IN APPEARING TO TERMINATE THE DIALOGUE WITH THE SOVIETS ON BERLIN MATTERS. THERE WAS THUS A DISINCLINATION TO ADOPT FORMAL GUIDELINES FOR THE FUTURE, GIVEN THE RECOGNIZED NEED FOR EXAMINING EACH SOVIET PROTEST ON ITS MERITS. WITH CERTAIN CAVEATS, THE UK AND FRENCH REPS AGREED WITH THE PROPOSAL THAT

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THE THREE ALLIED MISSIONS IN BERLIN BE ENCOURAGED

WHENEVER POSSIBLE TO DISPOSE OF PROTESTS ON-THE-SPOT AND TO AVOID PROMISING FOLLOW-UP REPLIES TO THEIR SOVIET INTERLOCUTORS. THE EMBASSY DOES NOT BELIEVE THAT IT WOULD BE USEFUL TO PRESS FOR MORE SPECIFIC AGREEMENT AT THIS POINT. THE EXERCISE HAS SERVED TO FOCUS THE ATTENTION OF BONN GROUP REPS, AND HOPEFULLY OF CAPITALS, ON THE PROBLEM, AND WE SUSPECT IT WILL BE EASIER IN THE FUTURE TO ACHIEVE AGREEMENT ON MORE CONCISE RESPONSES TO INDIVIDUAL PROTESTS, RESERVING DETAILED ARGUMENTATION FOR THOSE INSTANCES IN WHICH THE SOVIETS THEMSELVES ADVANCE NEW AND DIFFERENT POSITIONS. END SUMMARY

1. FOLLOWING THE AMBASSADOR'S PRESENTATION AT THE JULY QUADRIpartite LUNCHEON OF THE DEPARTMENT'S PROPOSALS FOR SIMPLIFYING AND EXPEDITING REPLIES TO SOVIET PROTESTS (REFTEL A), THE US REP DISTRIBUTED AN INFORMAL OUTLINE OF THE RECOMMENDATIONS IN REFTEL B AT THE JULY 31 BONN GROUP MEETING. THE PROPOSALS WERE DISCUSSED QUADRIpartitely IN THE BONN GROUP ON AUGUST 4 AND TRIPARTITELY ON AUGUST 8. THE DISCUSSIONS REVEALED GENERAL AGREEMENT WITH THE INTENT OF THE DEPARTMENT'S PROPOSAL BUT ALSO SOME INTERESTING VARIATIONS OF OUTLOOK.

2. THE FRG REP (LUECKING) COMMENDED THE INTENT OF THE PROPOSAL AND EXPRESSED FULL AGREEMENT WITH SEVERAL ASPECTS OF IT--INCLUDING THE DESIRABILITY OF RESPONDING QUICKLY, OF LETTING ANSWERS MADE ON THE SPOT STAND WHENEVER POSSIBLE, OF USING DIRECT QUOTES FROM THE QA AND REFERENCES TO PREVIOUS RESPONSES WHEN APPLICABLE, AND, WITH REGARD TO PROTESTS IN INTERNATIONAL FORA, OF DENYING THE COMPETENCE OF THIRD PARTIES TO COMMENT AUTHORITATIVELY ON THE QA. WHILE POINTING TO THE PRACTICAL DIFFICULTIES OF GIVING DEFINITIVE ANSWERS ON THE SPOT, HE HAD NO OBJECTION TO THE ALLIES' INSTRUCTING THEIR BERLIN MISSIONS TO ATTEMPT TO DO SO. HE STRESSED, HOWEVER, THAT IN THE FRG VIEW, THE OVERRIDING PRINCIPLE SHOULD BE THAT EXPRESSED IN PARA 4 OF REF B--I.E., THAT EACH SOVIET COMPLAINT MUST CONTINUE TO BE WEIGHED CAREFULLY ON ITS OWN MERITS. HE HAD GRAVE RESERVATIONS ABOUT OUR OPENING PREMISE--THAT THE ALLIED PRACTICE OF RESPONDING TO SOVIET PROTESTS IN DETAIL IS NO LONGER SECRET

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NECESSARY OR DESIRABLE. IF THE SOVIETS MAKE A SUBSTANTIVE COMMENT, WE CANNOT GET AWAY WITH SAYING NOTHING. THERE IS A DANGER THAT THE SOVIETS MIGHT GET THE IDEA THAT THEY ARE NO LONGER BEING TAKEN SERIOUSLY BY THE THREE POWERS, AND THE END RESULT COULD BE A SOVIET DEMAND FOR CONSULTATIONS UNDER THE FINAL QUADRIpartite PROTOCOL. THE US REP OBSERVED THAT LUECKING'S COMMENT TOUCHED ON THE ESSENCE OF THE PROBLEM AND THOUGHT THERE

SHOULD BE SERIOUS REFLECTION ON THE ISSUE OF WHETHER
THERE IS ANYTHING TO BE GAINED BY CONTINUING TO RESPOND
SERIOUSLY AND IN DETAIL WHENEVER THE SOVIETS RAISE A
PROTEST--IN EFFECT GRANTING THEM A CONSULTATIVE ROLE--OR
WHETHER WE SHOULD BEGIN SIMPLY REJECTING SUCH PROTESTS

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FOR THE RECORD BUT WITHOUT DETAILED ARGUMENTATION.
LUECKING THOUGHT IT UNNECESSARY TO TAKE SUCH A CLEAR-
CUT DECISION, PARTICULARLY AT THIS JUNCTURE WHERE WE
ARE UNCERTAIN OF SOVIET POST-CSCE CONDUCT.

3. THE FRENCH REP (BOISSIEU) EXPRESSED GENERAL AGREE-
MENT WITH LUECKING'S COMMENTS AND EXPRESSED DOUBT
ABOUT THE DESIRABILITY OF TRYING TO ADOPT FORMAL GUIDE-
LINES FOR FUTURE PROCEDURES. HE THOUGHT THE QUAI WOULD
WISH TO RETAIN ITS PRESENT ROLE OF PASSING ON EACH BONN
GROUP ACTION, AND HE DOUBTED THAT THE QUAI WOULD AGREE

AS A GENERAL PRINCIPLE TO SAYING MORE ON THE SPOT AND TO FEWER IN-DEPTH RESPONSES. HE AGREED THAT WE MIGHT ASK THE BERLIN MISSIONS TO DISPOSE OF PROTESTS AS THEY WERE DELIVERED, THOUGH HE SAW SOME DANGER IN TRYING TO LIVE WITH THE REPLIES MADE ON THE SPOT, SINCE WE WOULD HAVE NO PAPER INDICATING PRECISELY WHICH POINTS HAD BEEN MADE. AS FOR RESPONDING TO PROTESTS OF THIRD PARTIES,

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HE AGREED THAT IN MOST CASES WE MIGHT SIMPLY DENY THEIR COMPETENCE TO COMMENT AUTHORITATIVELY ON THE QA, BUT THOUGHT THAT IN SOME CASES THAT WOULD NOT BE ENOUGH. THE FACT THAT BULGARIA, FOR EXAMPLE, IS NOT A PARTY TO THE QA WOULD NOT NECESSARILY PRECLUDE BULGARIA FROM COMMENTING ON OTHER ASPECTS OF A MULTILATERAL CONVENTION TO WHICH IT IS A PARTY, INCLUDING THE PROPRIETY OF EXTENDING THAT CONVENTION TO BERLIN AT THE TIME OF FRG ACCESSION.

4. BOISSIEU'S MAJOR POINT WAS SOMEWHAT MORE TROUBLE-SOME. HE SAID HE REALIZED THAT FOR MANY YEARS IT HAD BEEN US POLICY TO SAY THAT THE THREE WESTERN POWERS ARE SOVEREIGN IN THE WESTERN SECTORS OF BERLIN AND THAT THE SOVIETS HAVE NOTHING TO SAY ABOUT THE WSB, JUST AS THE SOVIETS ARE SOVEREIGN IN EAST BERLIN. THE QA, HOWEVER, ESTABLISHED THE NECESSITY FOR DIALOGUE AND IT IS IMPORTANT TO MAINTAIN A BALANCE BETWEEN DIALOGUE AND CONSULTATIONS. WE CANNOT SAY THAT THE SOVIETS CANNOT IN CERTAIN CIRCUMSTANCES EXPRESS THEIR OPINIONS--EVEN THOUGH THEY DO SO FAR TOO OFTEN. IN FACT, NOT CLOSING OFF THE DIALOGUE IS MORE IN OUR INTEREST THAN IN THEIRS. FOR THE WEST, THE MOST IMPORTANT PROBLEM IS ACCESS. IF THE TIME COMES WHEN WE NEED TO MAINTAIN A DIALOGUE WITH THE SOVIETS ON ACCESS RIGHTS, HOW CAN WE BE CERTAIN THAT THEY WILL NOT SIMPLY SAY "NO" IF WE HAVE IN THE MEANTIME CEASED OUR DIALOGUE WITH THEM?

5. THE UK REP (CROMARTIE) SAID HE AGREED WITH NEARLY ALL THAT LUECKING AND BOISSIEU HAD SAID, ESPECIALLY THAT EACH SOVIET COMPLAINT MUST BE CAREFULLY WEIGHED ON ITS MERITS AND THAT THERE IS A NEED FOR MAINTAINING A REASONABLE DIALOGUE WITH THE SOVIETS. HE NEVERTHELESS AGREED WITH MANY OF THE GENERAL AIMS OF THE US PAPER. HE THOUGHT, FOR EXAMPLE, THAT WE HAVE NOW BUILT UP A CONSIDERABLE DOSSIER OF RESPONSES TO PROTESTS AND THAT IT WILL BECOME INCREASINGLY EASY SIMPLY TO CITE A PREVIOUS RESPONSE. IT WOULD NEVERTHELESS REMAIN ESSENTIAL TO REPLY TO EACH NEW CLAIM MADE BY THE SOVIETS --A POINT WHICH THE US REP AGREED WAS CLEARLY WITHIN THE INTENT OF THE US PROPOSAL. CROMARTIE DID NOT AGREE WITH

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THE US RATIONALE THAT ONE OF THE DISADVANTAGES OF DETAILED RESPONSES WAS THE IMPLICATION TO THE SOVIETS THAT THEY HAVE A LEGITIMATE FOURTH POWER ROLE IN WEST BERLIN. RATHER, HE THOUGHT THAT IT WAS A BIT MUCH FOR THE ALLIES, HAVING CONCLUDED A TREATY WITH THE SOVIETS, TO SAY THAT THE SOVIETS ARE OUT OF ORDER IN COMPLAINING ABOUT THE WAY THE TREATY IS OBSERVED. AS FOR ENCOURAGING BROADER USAGE OF ON-THE-SPOT REPLIES, CROMARTIE SAID HE COULD ACCEPT THIS BUT NOTED THAT THE DANGER TO BE AVOIDED IS THAT THE POLADS BECOME OVERCONFIDENT AND SAY THE WRONG THING. IT MIGHT BE BETTER IF THE REPLIES COULD BE SORTED OUT AT LEISURE. HE ALSO AGREED WITH BOISSIEU THAT IN SOME INSTANCES NON-PARTIES TO THE QA DO HAVE THE RIGHT TO COMMENT ON THE INCLUSION OF BERLIN IN MULTILATERAL AGREEMENTS, WHEN IT TOUCHES UPON THE EXTENT OF THEIR OBLIGATIONS UNDER THOSE AGREEMENTS. IN CONCLUSION, CROMARTIE SAID THAT WHILE THE US PROPOSAL WAS USEFUL IT WOULD BE DIFFICULT TO TRY TO DRAW UP FIRM GUIDELINES. HE SUGGESTED THAT ALL REPRESENTATIVES REPORT THE DISCUSSION AND RESUME CONSIDERATION OF THE PROPOSAL "IN A FEW MONTHS TIME" AFTER RECEIVING COMMENTS FROM CAPITALS.

6. THE US REP SAID HE MIGHT FEEL OBLIGED TO RETURN TO THE SUBJECT SOONER THAN THAT. IN RESPONSE TO COMMENTS

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BY BOTH BOISSIEU AND CROMARTIE, HE POINTED OUT THAT WE WERE NOT SEEKING A FORMAL AGREEMENT BUT WERE SUGGESTING THAT THE BONN GROUP FOCUS ON THE DESIRABILITY OF SPEEDIER AND LESS DETAILED REPLIES, ALL WITHIN THE FRAMEWORK OF THE GENERAL PRINCIPLE THAT EVERY COMPLAINT WOULD, OF COURSE, NEED TO BE CONSIDERED ON ITS MERITS. WE WOULD HOPE THAT OFFICIALS IN CAPITALS WOULD ALSO AGREE THAT SUCH ACTION WAS DESIRABLE, IN ORDER TO CURB THE OCCASIONAL INCLINATION TO REQUIRE NONSUBSTANTIVE CHANGES IN DRAFT REPLIES.

7. A CONSTRUCTIVE SUGGESTION BY THE FRG LEGAL ADVISER (DUISBERG) WAS THAT THE BONN GROUP MIGHT IDENTIFY SOME AREAS IN WHICH WE COULD DEVELOP STANDARDIZED REPLIES. THERE WAS, FOR EXAMPLE, AN EARLIER UK SUGGESTION FOR REPLIES THAT MIGHT BE USED WHEN THE PRESENCE OF BERLINERS IN FRG DELEGATIONS IN INTERNATIONAL ORGANIZATIONS IS ATTACKED. OTHER POSSIBILITIES FOR STANDARD
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REPLIES MIGHT INCLUDE PROTESTS ON THE EXTENSION TO BERLIN OF BILATERAL TREATIES (A) WHERE ALLIED RESERVATIONS ARE REQUIRED AND (B) WHERE NO RESERVATIONS ARE REQUIRED, AND ON THE GENERAL QUESTION OF EXTENDING LEGISLATION TO BERLIN. SUCH STANDARDIZED TEXTS MIGHT BE GIVEN TO THE POLADS, AND THE BONN GROUP COULD SUBSEQUENTLY REVIEW WHETHER THE REPLY USED BY THE POLAD HAD ADEQUATELY DISPOSED OF A PARTICULAR PROTEST.

8. LUECKING THEN ADDED THAT TO GO BEYOND PROCEDURAL CHANGES OF THIS NATURE AND DECIDE TO STOP RESPONDING TO PROTESTS IN SUBSTANCE WOULD REQUIRE CONSIDERATION AT HIGH POLITICAL LEVEL, PROBABLY BY FOREIGN MINISTERS. SHOULD THEY DECIDE IT DESIRABLE, THEY MIGHT TELL THE SOVIETS PRIVATELY THAT IF THEY CONTINUE PROTESTING THEY

ARE GOING TO GET THE SAME ANSWERS. POLITICAL DIRECTOR VAN WELL HAD, IN FACT, ALREADY RAISED SUCH A POSSIBILITY WITHIN THE FOREIGN OFFICE. THE US REP SAID THIS WAS, SO FAR AS HE KNEW, THE FIRST TIME SUCH AN APPROACH HAD BEEN AIRED IN THE BONN GROUP AND THOUGHT IT WAS A COURSE WORTH CONSIDERING.

9. AT THE AUGUST 8 TRIPARTITE MEETING, THE US REP SOUGHT TO VERIFY THAT AGREEMENT HAD BEEN REACHED ON ONE CONCRETE ASPECT OF US PROPOSAL, INSTRUCTING THE MISSIONS IN BERLIN TO ADOPT THE HABIT, WHENEVER THEY THOUGHT IT FEASIBLE, OF RESPONDING TO PROTESTS ON-THE-SPOT AND NOT PROMISING ANY FUTURE REPLY. BOTH CROMARTIE AND BOISSIEU SAID THAT THEY COULD GO ALONG WITH SUCH AN INSTRUCTION TO THEIR BERLIN MISSIONS, WITH SEVERAL PROVISOS: A) WHEN IN DOUBT, THE MISSIONS SHOULD NOT TRY TO ANSWER; B) INsofar AS POSSIBLE, REPLIES SHOULD BE BUILT ON ANSWERS ALREADY DEVELOPED TO SIMILAR PROTESTS IN THE BONN GROUP; AND C) POLADS SHOULD TRY TO RECORD AS PRECISELY AND IN AS MUCH DETAIL AS POSSIBLE THE WORDING OF THE REPLY GIVEN ON THE SPOT. IT WAS FURTHER AGREED THAT THE MISSIONS SHOULDWORK OUT AMONG THEMSELVES A COMMON FORMULATION FOR TELLING THE SOVIETS THEY NEED NOT EXPECT ANY FURTHER REPLY TO A PARTICULAR PROTEST.

10. AS A SUPPLEMENTAL IDEA, BOISSIEU SUGGESTED THAT
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THE MISSIONS IN BERLIN BE ASKED TO PREPARE A COMPENDIUM OF ANSWERS THAT HAVE ALREADY BEEN GIVEN TO SOVIET PROTESTS. HE THOUGHT A COLLECTION OF EXCERPTS OF THE RELEVANT PASSAGES WOULD BE VALUABLE AND THAT THE

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MISSIONS HAD GREATER RESOURCES FOR PREPARING IT.

(COMMENT: THIS SUGGESTION WAS LEFT OPEN, AND WE WOULD APPRECIATE USBER'S VIEWS ON THE FEASIBILITY OF PREPARING SUCH A COMPENDIUM.)

11. COMMENT: WE BELIEVE THESE DISCUSSIONS HAVE BEEN USEFUL IN CAUSING BOTH THE MEMBERS OF THE BONN GROUP AND, HOPEFULLY, OFFICIALS IN CAPITALS TO FOCUS ON THE DESIRABILITY OF SPEEDING UP REPLIES TO PROTESTS AND ELIMINATING UNPRODUCTIVE ARGUMENTATION. AT THE SAME TIME, THEY HAVE POINTED UP SOME OF THE DIFFICULTIES IN DEVELOPING ANY EASY SOLUTION. AS THE DEPARTMENT IS AWARE, THE RECENT TREND IN THE BONN GROUP HAS BEEN TO MAKE REPLIES TO SOVIET PROTESTS AS SHORT AS POSSIBLE AND WHENEVER POSSIBLY SIMPLY TO REFER TO PREVIOUS REPLIES ON RELATED SUBJECTS. IN ADDITION, WE CONSIDER THAT THE TRIPARTITE AGREEMENT THAT THE MISSIONS IN BERLIN SHOULD USE GREATER LEEWAY IN ATTEMPTING TO
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DISPOSE OF PROTESTS ON THE SPOT AND NOT TO LEAD THE SOVIETS TO EXPECT ADDITIONAL ANSWERS IS A HELPFUL DEVELOPMENT. WHILE THE BONN GROUP AND CAPITALS WILL CONTINUE TO CONSIDER EACH PROTEST AND THE ADEQUACY OF THE RESPONSE, WE SHOULD IN THE FUTURE BE SPARED SOME OF THE TIME PRESENTLY REQUIRED FOR COORDINATING PRECISE WORDING ON REPLIES. WE DOUBT THAT IT WOULD BE PRODUCTIVE TO ATTEMPT TO GO FURTHER THAN THIS IN SEEKING CONCRETE AGREEMENT AT THIS TIME, NOR WOULD WE NECESSARILY WISH TO TIE OUR OWN HANDS WITH FIRM

GUIDELINES. AS A MINOR EXAMPLE, THE DEPARTMENT'S
SUGGESTED REPLY TO THE CZECH NPT PROTEST (STATE 186975)
WOULD GO BEYOND THE PROPOSED GUIDELINE IN REF B FOR
HANDLING SUCH PROTESTS TO THE EXTENT OF CITING THE
REPLY TO THE SOVIETS IN WHICH WE DISPOSED OF THE MERITS
OF THE CZECH COMPLAINT. UNLESS INSTRUCTED TO THE
CONTRARY, WE THEREFORE PROPOSE TO LET THE TOPIC REST
FOR THE MOMENT, REITERATING OUR VIEWS AS NECESSARY ON A
CASE-BY-CASE BASIS IN CONSIDERING FUTURE PROTESTS.
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